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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,399	04/06/2001	Steven D. Stoecker	10007124-1	5151

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

MILIA, MARK R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,399

Applicant(s)

STOECKER, STEVEN D.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 2/04/05, and has been entered and made of record. Currently, claims 1-7, 9-21, and 23-24 are pending.

Drawings

2. Applicant's amendment filed 2/04/05 has overcome the objection to the Drawings, cited in the previous Office Action, by adding the description of reference characters (300) and (306) to the specification. Therefore the objection is withdrawn.

Response to Arguments

3. Applicant's arguments, see pages 9-12, filed 2/04/05, with respect to the rejection(s) of claim(s) 1-4, 6, 10-13, 15, 19, and 23 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of applicant's amendments and a different interpretation of previously applied references.

4. Applicant's arguments with respect to claims 5, 7, 9, 14, 16-18, 20, 21, and 24 have been considered but are moot in view of the new ground(s) of rejection. The above mention claims are dependent from claims 1, 10, and 19, which have currently

been amended, and to which the reference of Wain no longer applies because Wain fails to teach the newly added limitations set for in applicant's amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Abdel-Mottaleb.

Regarding claim 1, Enomoto discloses a system for selecting a particular size image to print, comprising: a computer adapted to receive an electronic image file (see Figs. 1 (14) and 2) and a photograph generation component in communication with the computer, the photograph generation component adapted to analyze the electronic image file and automatically select an image format for the selected portion of the electronic image file among a plurality of image formats (see Figs. 1 and 2 and paragraphs [0083]-[0087]).

Enomoto does not disclose expressly face recognition software configured to automatically select a portion the electronic image file.

Abdel-Mottaleb discloses face recognition software configured to automatically select a portion the electronic image file (see paragraphs [0026]-[0043]).

Regarding claim 10, Enomoto discloses a method for selecting a particular size image to print, the method comprising the steps of: providing an electronic image file to a computer (see Figs. 1 and 2) and automatically selecting an image format among a plurality of image formats in which to print the selected electronic image file (see Fig. 4 and paragraphs [0086]-[0087]).

Enomoto does not disclose expressly automatically selecting a portion of the electronic image file based on face recognition.

Abdel-Mottaleb discloses automatically selecting a portion of the electronic image file based on face recognition (see paragraphs [0026]-[0043]).

Regarding claim 19, Enomoto discloses a method for printing a passport format image, the method comprising the steps of: providing an electronic image file to a computer (see Figs. 1 and 2), automatically scaling the selected image file portion based on a predetermined image format, the predetermined image format corresponding to a passport photograph format (see Figs. 4 and 5 and paragraphs [0083]-[0087]), and printing the selected image file portion in the passport photograph format (see paragraphs [0068] and [0089]).

Enomoto does not disclose expressly automatically selecting a portion of the electronic image file based on face recognition.

Abdel-Mottaleb discloses automatically selecting a portion of the electronic image file based on face recognition (see paragraphs [0026]-[0043]).

Enomoto & Abdel-Mottaleb are combinable because they are from the same field of endeavor, manipulation of digital images.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the face recognition aspect of Abdel-Mottaleb with the system of Enomoto.

The suggestion/motivation for doing so would have been to provide the ability to discern whether a human being is present in the image and thus correctly and accurately position the human face within the image (see paragraphs [0003]-[0004] of Abdel-Mottaleb, reference states the usefulness of face recognition in a number of applications, such as digital image capturing).

Therefore, it would have been obvious to combine Abdel-Mottaleb with Enomoto to obtain the invention as specified in claims 1, 10, and 19.

Regarding claims 2 and 11, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 1 and 10, and Enomoto further discloses a printer adapted to print the electronic image file in the selected image format (see Figs. 1 and 2 (16) and paragraphs [0034] lines 12-18, [0068], and [0089]).

Regarding claims 3 and 12, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 2 and 11, and Enomoto further discloses wherein one of the plurality of image formats is a passport size photograph (see Fig. 4 and paragraph [0083]).

Regarding claims 4 and 13, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 1 and 10, and Enomoto further discloses wherein the image format is chosen from the group consisting of wallet size, visa size, 4"x6", 5"x7", and 8"x10"

(see Fig. 4 and paragraph [0083], reference shows that the size may be directly designated and therefore encompasses any size, which is analogous to the claim limitation).

Regarding claims 5, 14, and 20, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 1, 10, and 19, and Enomoto further discloses wherein the photograph generation component is further configured to present to a user a plurality of image formats for selection (see Fig. 4 and paragraph [0083]).

Regarding claims 6 and 15, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 1 and 10, and Enomoto further discloses wherein the photograph generation component allows a user to customize the image size (see Fig. 4 and paragraph [0083]).

Regarding claims 7, 16, and 21, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 1, 10, and 19, and Enomoto further discloses wherein the photograph generation component is configured to select the portion of the electronic image file to be printed in the desired format in response to user instruction (see Figs. 4 and 5 and paragraphs [0083]-[0087]).

Regarding claims 17 and 23, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 10 and 19, and Enomoto further discloses enabling user selection of an image format (see Fig. 4 and paragraphs [0083]-[0087]).

Regarding claims 9, 18, and 24, Enomoto and Abdel-Mottaleb disclose the system discussed in claims 1, 10, and 19, and Enomoto further discloses a scanner

configured to provide an electronic image file to the photograph generation component (see Figs. 1 and 2 (12)).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
Art Unit 2622

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